



House of Representatives

General Assembly

File No. 663

February Session, 2016

Substitute House Bill No. 5338

House of Representatives, April 19, 2016

The Committee on Government Administration and Elections reported through REP. JUTILA of the 37th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE DISCLOSURE OF INFORMATION OF RENTAL HOUSING PROGRAM PARTICIPANTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2016*) (a) For the purposes of this
2 section, "person" means (1) any employee of a public agency, as
3 defined in section 1-200 of the general statutes, or (2) any contractor
4 that has entered into a state contract with any such public agency.
5 Except as provided in subsection (b) of this section, no person shall
6 solicit, disclose, receive or make use of, or authorize, knowingly
7 permit, participate in or acquiesce in the use of, any list of the names
8 of, or any information (A) concerning individuals applying for or
9 receiving assistance from the Department of Housing or individuals
10 participating in a program administered by said department, and (B)
11 directly or indirectly derived from the records, papers, files or
12 communications of the state or any political subdivision or agency of
13 the state, or acquired in the course of the performance of official duties
14 of any such agency or political subdivision. The prohibition set forth in

15 this subsection shall not apply to any solicitation, disclosure, receipt or
16 use of, or authorization for use of, such list or information for purposes
17 directly connected with the administration of programs of the
18 Department of Housing and made in accordance with any regulations
19 adopted by the Commissioner of Housing.

20 (b) The Commissioner of Housing may, pursuant to a court order,
21 disclose information concerning individuals applying for or receiving
22 assistance from the Department of Housing to a federal, state or local
23 law enforcement officer who is requesting the information in the
24 performance of the law enforcement officer's official duties.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>July 1, 2016</i>	New section
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GAE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill has no impact by requiring the protection of confidential client information for various housing programs.

The bill provides similar protections to program participants as provided when the Department of Social Services administered the programs.¹ The Department of Housing continued these protections as the succeeding administrator of these programs. The bill therefore conforms to current practice and has no fiscal impact.

The Out Years***State Impact:*** None***Municipal Impact:*** None

¹ PA 13-234 transferred various housing programs from the Department of Social Services to the Department of Housing.

OLR Bill Analysis**sHB 5338*****AN ACT CONCERNING THE DISCLOSURE OF INFORMATION OF RENTAL HOUSING PROGRAM PARTICIPANTS.*****SUMMARY:**

This bill generally prohibits certain individuals and contractors from releasing, soliciting, or using personal information about individuals applying for or receiving assistance from the Department of Housing (DOH) or participating in one of its programs. The prohibitions apply to (1) any employee of a public agency, as defined in the Freedom of Information Act (FOIA), and (2) contractors that have entered into a state contract with a public agency (hereafter “covered employees and contractors”) (see BACKGROUND). The bill does not define “state contract.”

Subject to the two exceptions described below, the bill prohibits covered employees and contractors from soliciting, disclosing, receiving, or using applicants’, recipients’, or participants’ names or other information. It similarly prohibits covered employees and contractors from authorizing, knowingly permitting, participating in, or acquiescing in the use of this personal information. The prohibitions apply to information (1) directly or indirectly derived from the records, papers, files, or communications of the state or one of its agencies or subdivisions or (2) acquired in the course of performing official duties.

The bill creates two exceptions to the disclosure prohibitions. It authorizes the disclosure of information on program applicants, recipients, or participants by (1) the DOH commissioner, pursuant to a court order, to federal, state, or local law enforcement officers who request it in the performance of their official duties and (2) covered employees and contractors for reasons directly connected with

administering DOH programs and in accordance with departmental regulations.

EFFECTIVE DATE: July 1, 2016

BACKGROUND

Legislative History

The House referred the bill (File 229) to the Government Administration and Elections Committee, which reported a substitute that eliminates provisions in the underlying bill that (1) create several additional exceptions to the prohibition on disclosure; (2) require DOH to notify program applicants, recipients, and participants that their personal information may be released under specified circumstances; and (3) in IV-D child support enforcement cases, prohibit the release of information under certain circumstances.

Public Agency

Generally, under FOIA, a public agency is any (1) state, municipal, regional, or quasi-public agency or (2) entity that is the functional equivalent of such agencies (CGS § 1-200(1)).

COMMITTEE ACTION

Housing Committee

Joint Favorable Substitute

Yea 11 Nay 0 (03/08/2016)

Government Administration and Elections Committee

Joint Favorable Substitute

Yea 14 Nay 0 (04/11/2016)